



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 35] नई दिल्ली, शुक्रवार, अगस्त 26, 1983/भाद्र 4, 1905
No. 35] NEW DELHI, FRIDAY, AUGUST 26, 1983/BHADRA 4, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in the Lok Sabha on 26th August, 1983:—

BILL No. 74 OF 1983

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1983.
2. In article 315 of the Constitution,—

(i) for clause (1), the following clause shall be substituted, namely:—

“(1) Subject to the provisions of this article, there shall be a Public Service Commission for the Union, a Public Service Commission for each State and a Public Service Commission for the Union territories.”;

(ii) for clause (5), the following clause shall be substituted, namely:—

“(5) References in this Constitution to the Union Public Service Commission or a State Public Service Commission or the Union Territories Public Service Commission shall, unless the context otherwise requires, be construed as references to the Commission serving the needs of the Union or a State or the

Short
title.

Amend-
ment of
article
315.

Union territories, as the case may be, as respects the particular matter in question.”.

Amend-
article
ment of
316.

3. In article 316 of the Constitution,—

(i) in clause (1), after the words “Joint Commission”, the words “or the Union Territories Commission” shall be inserted;

(ii) in clause (1A), after the words “Joint Commission”, the words “or the Union Territories Commission” shall be inserted;

(iii) in clause (2), after the words “Joint Commission” wherever they occur, the words “or the Union Territories Commission” shall be inserted.

Amend-
ment of
article
317.

4. In article 317 of the Constitution, in clause (2), after the words “Joint Commission” the words “or the Union Territories Commissions” shall be inserted.

Amend-
ment of
article
318.

5. In article 318 of the Constitution, after the words “Joint Commission”, the words “or the Union Territories Commission” shall be inserted.

Amend-
ment of
article
319.

6. In article 319 of the Constitution, after the words “Union Public Service Commission” wherever they occur, the words “or the Union Territories Service Commission” shall be inserted.

Amend-
ment of
article
320.

7. In article 320 of the Constitution,—

(i) in clause (1), after the word “Union” wherever it occurs, the words “, the Union Territories” shall be inserted;

(ii) in clause (3), after the words “Union Public Service Commission”, the words “or the Union Territories Public Service Commission” shall be inserted.

Amend-
ment of
article
321.

8. In article 321 of the Constitution, after the words “Union Public Service Commission”, the words “or the Union Territories Public Service Commission” shall be inserted.

Amend-
ment of
article
322.

9. In article 322 of the Constitution, after the words “Union”, the words “or the Union Territories” shall be inserted.

Amend-
ment of
article
323.

10. In article 323 of the Constitution, in clause (1), after the words “Union Commission”, the words “or the Union Territories Commission” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

At present the Union Public Service Commission serves not only the Central Government but also the Union territories, while the work assigned to the services of Union territories is of a different nature than the work assigned to the services of the Union. Also with the passage of time and expansion of administration, the burden of work on the U.P.S.C. in respect of the Union territories has reached proportions which impinge upon its efficiency. It is, therefore, proposed that a separate Public Service Commission be constituted for Union territories on par with State Public Service Commissions. The members of the Commission shall be appointed by the President. Its headquarters shall be fixed in one of the Union territories as may be considered feasible and practicable by the Central Government.

Hence this Bill.

NEW DELHI;
July 20, 1982.

HARISH RAWAT

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. 39024/1/82-Estt.(B), dated 26 April 1983 from Shri P. Venkatasubbaiah, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of Shri Harish Rawat's Constitution (Amendment) Bill to amend article 315 of the Constitution, recommends, under clause (1) and clause (3) of article 117 of the Constitution of India, the introduction and consideration of the Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of the Union Territories Public Service Commission. Article 322 of the Constitution, as amended by clause 9 of the Bill, would provide that the expenses of the Union Territories Public Service Commission, including any salaries, allowances and pensions payable to the members or staff of the Commission, shall be charged on the Consolidated Fund of India. The Bill, therefore, if enacted, will involve a recurring expenditure from the Consolidated Fund of India in respect of the Union Territories Commission to the tune of about Rs. 5 lakhs annually.

A non-recurring expenditure of about Rs. 5 lakhs is also likely to be incurred.

BILL No. 78 OF 1983

A Bill to provide for the taking over of the import and export trade by the Central Government or an agency set up for that purpose.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Import and Export Trade Act, 1983.
 - (2) It extends to the whole of India.
 - (3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
- (a) “import” and “export” mean, respectively, bringing into, and taking out of, India by sea, land or air;
 - (b) “person” means and includes juridical person, whether an individual or a body, an organisation or an association of persons;
 - (c) “prescribed” means prescribed by rules made under this Act;
 - (d) “prescribed authority” means the District Collector within whose jurisdiction a person has his place of normal residence or place of business or any other authority as may be prescribed in this behalf.

Short
title,
extent
and
commen-
cement.

Defini-
tions.

Import
and ex-
port trade
only by
Govern-
ment.

3. The import and export of goods of any description across the customs frontiers shall not be carried on by any person other than the Central Government or any corporation set up under the law made by Parliament.

Commer-
cial
and
finan-
cial
negotia-
tions
with
foreign-
ers.

4. No person shall enter into any negotiation or transaction having financial and commercial implication involving foreign exchange with any person outside India without prior permission obtained from the Central Government in accordance with the prescribed manner.

Informa-
tion
about
foreign
exchange
to pres-
cribed
author-
ity.

5. (1) Notwithstanding any other law for the time being in force, every person who has or is likely to have within a period of one year from the date of commencement of this Act foreign exchange to his credit or to the credit of his successor or a nominee shall disclose its particulars to the prescribed authority in a prescribed manner and in the prescribed form.

(2) On receipt of the information under sub-section (1), the prescribed authority shall communicate, in the prescribed form, the information so received to the Controller of Imports and Exports, who shall consolidate the information so received in such form as may be prescribed and cause it to be placed before the Council of Ministers of the Central Government at prescribed intervals.

Pena-
lty.

6. If any person contravenes or attempts to contravene, or abets a contravention of, any provision of this Act, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of any other law for the time being in force, be punishable,—

(a) where the value of the goods, in relation to which such contravention or attempted contravention or abetment of contravention has been made, exceeds ten lakh rupees, with imprisonment for a term which may extend to seven years and also with fine, and

(b) in any other case, with imprisonment for a term which may extend to three years and also with fine:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the Court, such imprisonment shall not be for less than six months.

Power
to
make
rules.

7. (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) The Central Government may, while making rules, impose any condition or restriction for the purpose of carrying into effect the provisions of this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry

at the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

8. The Imports and Exports (Control) Act, 1947 is hereby repealed.

Repeal
of Act
No. xviii
of 1947

STATEMENT OF OBJECTS AND REASONS

The fact that "Black money" is generated on a large scale and used for legitimate and illegitimate purposes has been recognised by all. This money is generated by trade and industry, using various techniques, one of them being over invoicing of imports and under valuing of exports, besides making false disclosures about commodities subject to import and export and their quantities and qualities. This practice not only upsets the economic planning of the country but also escalates inflation. In order to curb this practice it is essential that the import and export trade be done only by the Government or a statutory agency set up for the purpose.

Hence this Bill.

NEW DELHI;

May 10, 1983.

K. RAMAMURTHY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for carrying on of the trade of import and export by the Central Government. This requires recruitment of some persons to work for the Central Government. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is not possible at this stage to give an accurate estimate of this expenditure. It is, however, likely to involve a recurring expenditure of about rupees fifty lakhs per annum.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 91 OF 1983

A Bill to provide for convening of a Constituent Assembly of India.

WHEREAS the Constitution of India was adopted, enacted and given by the people to themselves in November, 1949 and brought into operation on the 26th January, 1950;

AND WHEREAS the people of India had solemnly resolved to secure social, economic and political justice, equality of status and of opportunity to all citizens of the Republic of India and also to assure dignity of the individual and the unity and integrity of the Nation;

AND WHEREAS the working of the Constitution for more than three decades has revealed that the cherished objectives could not be achieved under the present Constitution;

AND WHEREAS the economic, political and social situation in the country requires that these objectives have to be achieved by the people at the earliest;

AND WHEREAS the existing frame-work of the Constitution stands in the way of further achieving these objectives;

AND WHEREAS demands have been made by Parliamentarians, Legislators, the Press and the Public to bring about structural changes in the Constitution;

AND WHEREUPON it is considered necessary that a Constituent Assembly consisting of the representatives of the people should be called to frame a new Constitution to replace or extensively revise the existing Constitu-

tion so that it could be an effective instrument for achieving the cherished objectives of the people of India as enshrined in the Preamble of the existing Constitution;

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Constituent Assembly Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. The words and expressions used in this Act shall, unless the context otherwise requires, have the meaning as assigned to them in the following clauses:—

(a) "Assembly" means the Constituent Assembly of India called in accordance with the provisions of this Act;

(b) "Constitution" means the Constitution of India;

(c) "Chairman" means the person so appointed under this Act to preside over the Assembly;

(d) "President" means the President of India.

Conven-
ing
Consti-
tuent
Assembly.

3. (1) The President, on the advice of the Council of Ministers, if feels satisfied that a situation has arisen where the Constitution has to be amended in such details that may affect the relationship between the Union and the States, fundamental rights, judiciary and the powers of Parliament and the State Legislatures, shall declare by a notification in the Official Gazette that the Members of two Houses of Parliament shall constitute a Constituent Assembly to consider the various provisions of the Constitution and to amend, modify, vary, omit, add or remodel the entire Constitution, if it so decides.

(2) The President shall also appoint the Speaker of Lok Sabha as the Chairman of the Constituent Assembly.

(3) The rules of procedure to regulate the business of the Assembly shall be the existing rules of procedure and conduct of business in Lok Sabha with such modifications, alteration as may be made by the Chairman from time to time.

(4) The venue of the Assembly shall be the Central Hall of Parliament, New Delhi.

Revision
of
Constitu-
tion.

4. The Assembly shall express its final opinion in the form of an amendment or in the form of a new Constitution, as the case may be, and submit the same to the President for his approval.

Promu-
ligation of
revised
Constitu-
tion.

5. The President shall, after according his approval to such an amendment or the new Constitution, as the case may be, promulgate the same by notification in the Official Gazette on a day appointed by him.

Savings.

6. Notwithstanding anything contained in any law, including Constitutional law, for the time being in force, such an amendment or the new Constitution on being promulgated in accordance with section 5 shall be deemed to have been adopted, enacted, and given to themselves by the people of India without prejudice to anything done or purported to have been done under that law.

STATEMENT OF OBJECTS AND REASONS

Our Constitution has been in operation for more than 33 years. Its working has revealed various lacunae in the course of its operation. However, it is found that social and economic objectives, as set out in the Preamble thereto, have yet to be achieved. 33 years period is a long one. People cannot be made to wait for long. It has been demanded by the Parliamentarians, Legislators, the Press and the Public, that the Constitution requires thorough revision and structural change. It is, therefore, high time that a Constituent Assembly is convened to consider the various provisions of the Constitution and to amend or remodel the entire Constitution. This can be done by enacting a suitable legislation under entry 97 of the Union List of the Seventh Schedule of the Constitution.

Hence this Bill.

NEW DELHI;
June 27, 1983

K. RAMAMURTHY

BILL NO. 90 OF 1983

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment,
Amend-
ment of
article 74.
Amend-
ment of
article 75.

1. (1) This Act may be called the Constitution (Amendment) Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 74 of the Constitution, proviso to clause (1) shall be omitted.

3. In article 75 of the Constitution,—

(i) Clause (3) shall be omitted;

(ii) Clause (5) shall be omitted;

(iii) Clauses (4) and (6) shall be renumbered as clauses (3) and (4) respectively.

Amend-
ment of
article
164.

4. In article 164 of the Constitution,—

(i) clause (2) shall be omitted;

(ii) clause (4) shall be omitted;

(iii) clauses (3) and (5) shall be renumbered as clauses (2) and (3) respectively.

Amend-
ment of
article
368.

5. In article 368 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

“(2A) The provisions of article 108 shall apply to a Bill introduced under this article.”

STATEMENT OF OBJECTS AND REASONS

Article 74 of the Constitution envisages that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President of India in exercise of his functions. Under article 75, the Ministers hold office during the pleasure of the President of India and at the same time they are collectively responsible to the House of the people. Then again a Minister has to be a member of Parliament, if he is not such a member, within the period of six months after he joins the Council of Ministers. Similar provisions occur in respect of Council of Ministers in the States.

These provisions work as damper in bringing administrative talent in the Council of Ministers entrusted with the task of governing the country. The modern State has assumed administrative responsibilities not only of maintaining law and order but also for managing the social, economic and educational affairs of the society. It is, therefore, necessary that any provision of the Constitution which comes in the way of inducting experienced and talented persons in the Council of Ministers, whether in the Union or the States, should be done away with. So long as the aforesaid provisions, now sought to be omitted, continue to exist, elections will always be costly and talented and experienced persons in the art of administration will always be reluctant to undergo the travails of elections.

Hence this Bill.

NEW DELHI;
June 27, 1983.

K. RAMAMURTHY

BILL No. 99 OF 1983

A Bill to provide for the formation of a Central agency for checking the misuse of religious places.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title
and
commen-
cement.

1. (1) This Act may be called the Formation of a Central Agency for checking Misuse of Religious Places Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Formation
of
Central
Agency
for
search in
religious
places.

2. A Central agency for religious places to be called the Central Agency consisting of both men and women of all religions shall be formed by the Central Government to enter into religious places for making a search for arms and anti-social elements taking refuge in such places.

3. The recruitment to the Central Agency shall be made on the basis of equal representation for all religions.

All religions to get equal representation in the Central Agency.

4. The Central Agency may also be used by the Central Government at the time of communal riots occurring in any part of the country.

Central Agency to be used in times of communal riots.

5. The rules governing the Central Reserve Police Force and the Border Security Force shall be applicable to the Central Agency to the extent these rules are made applicable by the Central Government by notification in the Official Gazette.

Rules to be applicable to Central Agency.

STATEMENT OF OBJECTS AND REASONS

Lately it has been found that Gurudwaras, Temples, Mosques and Churches have been misused by the religious authorities for giving shelter to anti-social elements. It has also been found that arms and ammunition have been dumped in these places. These places have become the centres for a few people for achieving their political ends. There is no special law at present under which the State or Central authority can enter into such places because of religious sanctity. As the activities in such places have become intolerable and are threatening the national integration, it has become necessary that such a legislation should be enacted at an early date to preserve the sanctity of these religious places meant only for promotion of religion and not for achieving the political ends of a few.

Hence this Bill.

NEW DELHI;
July 15, 1983.

B. V. DESAI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the formation of a Central Agency to enter into religious places for making a search for arms and anti-social elements taking refuge in such places. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty lakhs per annum.

Non-recurring expenditure of about rupees ten lakhs is also likely to be involved.

BILL NO. 100 OF 1983

A Bill to provide for the declaration and public scrutiny of assets of civil servants.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Declaration of Assets by Civil Servants Act; 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "assets", in relation to a civil servant or a member of his family, means, his right, title or interest in any movable or immovable property whether as owner, mortgagor, lessor, lessee, benamidar or in any other manner whatsoever;

Short
title,
extent
and
commence-
ment,

Defini-
tions.

(b) "civil servant" means and includes a person appointed to public services and posts in connection with the affairs of the Union and who draws a basic salary of rupees one thousand or more per month;

(c) "Committee" means a committee constituted under section 3;

(d) "family", in relation to a civil servant means his or her—

(i) spouse (not being a judicially separated spouse);

(ii) any other person related to him or her whether by blood or marriage and wholly or substantially dependant upon him or her;

(e) "Government" means the Central Government;

(f) "Indian Penal Code" means, the Indian Penal Code, 1860.

45 of 1860.

(g) "liability" in relation to any civil servant, does not include liability to the extent of an amount not exceeding five thousand rupees;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "tribunal" means a tribunal set up under section 12.

Constitu-
tion of
commit-
tee.

3. The Members of both Houses of Parliament shall elect a committee consisting of fifteen members from among themselves in the manner prescribed by rules made under this Act to scrutinise the declarations of assets and liabilities furnished to it by the civil servants.

Duty of
civil
servants
to
declare
assets
and
liabilities.

4. (1) Every civil servant shall, within a period of three months from the date of commencement of this Act, furnish to the Committee a declaration in the prescribed form setting out particulars of his assets and liabilities and the assets and liabilities of members of his family as on the date of such commencement.

(2) Every civil servant, upon ceasing to hold office as civil servant, shall furnish to the Committee a declaration of his assets and liabilities and those of the members of his family within three months from the date on which he ceases to hold office.

(3) Every civil servant, before he assumes charge of his post, shall make a declaration in the prescribed form as required under sub section (1).

Annual
declara-
tion of
acquisi-
tions and
disposals.

5. Every civil servant shall, throughout the term of his office, furnish, on or before the 30th day of June every year to the Committee a declaration in the prescribed form of all assets acquired, held or disposed of or any liability incurred by him or by any member of his family during the preceding financial year.

Correc-
tions
in the
declara-
tions.

6. If a civil servant, who has furnished a declaration under this Act, subsequently discovers any omission or mistake in such declaration, he may furnish a statement in the prescribed form to the Committee giving details of the correction he desires to be made.

7. The Committee, after the end of the relevant year, shall scrutinise the declarations received by it and lay them before both Houses of Parliament along with its comments, if any, on such declarations.

Laying of
declara-
tions
before
Parlia-
ment.

8. A true copy of all the declarations made under this Act, shall be made available to any member of the public on payment of a prescribed fee for such a copy.

Copy of
declara-
tions
to be
made
available
to public.

9. If a civil servant delays the submission of the declaration for more than a month without showing any reasonable cause to the satisfaction of the Committee, he shall be punishable with a fine of rupees two hundred per day during the period of delay till he submits the declaration.

Penalty
for
delay.

10. If a civil servant is found to have amassed assets disproportionate to the known sources of his income or those of the member or members of his family, a probe shall be conducted in public by the Committee and the result of such probe shall be laid before each House of Parliament.

Probe by
commit-
tee.

45 of 1860.

11. If a declaration furnished by a civil servant is proved to be false, he shall be liable to perjury and be punishable under section 193 of Indian Penal Code.

Penalty
for false
declara-
tion.

12. The Government shall set up a tribunal to try the cases of civil servants referred to it by the Government.

Setting
up of
tribunal.

13. (1) If after scrutiny of a declaration, the Committee recommends that the civil servant should be awarded suitable punishment, the Government shall prosecute such civil servant before the tribunal.

Prosecu-
tion.

2 of 1974.

(2) The tribunal shall have the same powers and privileges as a Sessions Court has under the Code of Criminal Procedure, 1973.

14. (1) If a civil servant is found to have amassed assets disproportionate to the known sources of his income or those of his family member or members without showing any reasonable cause to the satisfaction of the tribunal, his assets shall be ordered, partly or wholly, to be confiscated irrespective of the fact that such assets stand in the name or possession of any other person.

Penalty.

(2) If a civil servant is found to have acquired such assets by misusing his official position, he shall be punished with imprisonment which may extend to seven years but which shall not be less than six months.

15. (1) The Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

Power
to make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the Committee shall be elected under section 3;

(b) the form in which declarations shall be furnished under section 4;

(c) the manner in which the declarations shall be scrutinised;

(d) the administrative arrangements with regard to the custody of the declarations and any other documents furnished under this Act;

(e) any other matter that is necessary to carry out the provisions of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is of common knowledge that some of the civil servants have amassed assets disproportionate to the known sources of their income. Very often such assets are held in *benami* or in the name of their family members. The arm of law does not extend to them in many cases. The departmental requirement of furnishing return of property by civil servants is neither adequate nor effective. In any case, once a person chooses to work as civil servant, his assets and liabilities should be known to the Legislatures and through them to the public whom the civil servants are supposed to serve. The Bill seeks to provide for such and other matters necessary to ensure that civil servants do not amass assets that are disproportionate to their known sources of income.

NEW DELHI;
July 14, 1953.

K. RAMAMURTHY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a committee of Members of both Houses of Parliament to scrutinise the declarations of assets and liabilities furnished by the civil servants. Clause 12 provides for the setting up of a tribunal to try the cases of civil servants referred to it by the Government. Some staff will have to be provided to assist the committee and the tribunal in carrying out their work and for other administrative work. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees ten lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill provides for the making of rules for giving effect to the provisions of the legislation and, in particular, for the various matters referred to in that clause.

The matters in respect of which rules may be made pertain to matters of form, administrative detail or procedure and as such the delegation of legislative power is of a normal character.

BILL No. 98 OF 1983

A Bill to provide for the compulsory engagement of a qualified or chartered engineer by a contractor in certain contracts.

BE it enacted by Parliament in Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Contractors (Engagement of a Qualified or Chartered Engineer) Act, 1983.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Every contractor who enters into a contract with the Government for the construction of a building, mining, erection of a plant or machinery or a contract issued by the Public Works Department of the Centre or a State, shall engage a qualified or chartered engineer.

Compul-
sory
engage-
ment of a
qualified
or
chartered
engineer.

STATEMENT OF OBJECTS AND REASONS

The contracts that are issued by the Government for the execution of public works in the Central and State spheres do not guarantee that the contractor shall engage a qualified engineer or a chartered engineer. Several contracts have been recently terminated as they did not fulfil the conditions laid down in the contract clauses. A lot of them were terminated as the work was not executed as per specifications of contracts because of the engagement of unqualified engineers by the contractors.

It is, therefore, desirable that it should be made compulsory for every contractor who enters into a contract with the Government to compulsorily engage a qualified or a chartered engineer.

Hence this Bill.

NEW DELHI;
July 21, 1983.

AJIT KUMAR MEHTA

BILL No. 101 OF 1983

A Bill to provide for the development orderly transition from the current research programmes, control and use of magnetic fusion energy for the welfare of the people of India.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Magnetic Fusion Energy Engineering Act, 1983.

Short
title,
extent
and
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ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) “demonstration plant” means a prototype energy system which is of the sufficient size to provide safety, environmental reliability, availability, and ready engineering extrapolation of all components to commercial size but which system need not be economically competitive with their alternative energy resources;

(b) “energy system” means a facility designed to utilise energy released in the magnetic fusion process for the generation of electricity and the production of hydrogen or other fuels;

(c) "fusion" means a process whereby two light nuclei such as deuterium and tritium, collide at high velocity, forming a compound nucleus, which subsequently separates into constituents which are different from the original colliding nuclei and which carry away the accompanying energy release;

(d) "fusion engineering device" means a magnetic fusion facility which achieves at least a burning plasma and serves to test components for engineering purposes;

(e) "magnetic fusion" means the use of the magnetic fields to confine a very hot, fully ionized gas of light nuclei, so that the fusion process can occur;

(f) "Secretary" means Secretary of the Ministry of Energy.

Duties
of the
Secretary.

3. (1) The Secretary shall initiate activities or accelerate existing activities in research areas, the lack of knowledge in which limits magnetic fusion systems, in order to ensure the achievement of the purposes of the Act.

(2) The Secretary shall maintain an aggressive plasma confinement research programme on the current lead concept to provide a full measure of support for the design, construction and operation of the fusion engineering devices.

(3) The Secretary shall—

(i) initiate design activities on a fusion engineering device using the best available confinement concept to ensure operation of such a device at the earliest possible time, but not later than the year 1990;

(ii) develop and test the adequacy of the engineering design of components to be utilised on the fusion engineering device.

(4) The Secretary shall initiate at the earliest practical time such activity which he deems necessary to achieve the national goal for operation of a demonstration plant at the turn of the twenty-first century.

(5) The Secretary shall continue efforts to assess factors which will determine the commercial introduction of magnetic fusion energy systems including, but not limited to—

(i) projected costs relative to other alternative energy sources;

(ii) projected growth rates in energy demand;

(iii) safety-related design limitations;

(iv) environmental impacts; and

(v) limitations on the availability of strategic elements such as helium, lithium, and special metals.

Manage-
ment
plan.

4. (1) The Secretary shall prepare a comprehensive programme management plan for the conduct of the research, Development and demonstration activities under this Act and such Plan shall include—

(i) a presentation of the programme strategy which will be used to achieve the purposes of this Act;

(ii) a five year programme implementation schedule, including identification of detailed mile-stone goals, with associated budget and programme resources requirements;

(iii) risk assessment;

(iv) supporting research and development needed to solve the problems which may inhibit or limit development of magnetic fusion energy systems; and

(v) an analysis of institutional, environmental and economic considerations which are limiting the national magnetic fusion programme.

(2) The Secretary shall transmit the comprehensive programme management plan to the Committee on Science and Technology of the Ministry of Science and Technology and to the Atomic Energy Commission not later than a year after passing of this Act.

5. (1) The Secretary shall prepare a plan for the establishment of a national magnetic fusion engineering centre for the purpose of accelerating fusion technology development by the concentration and co-ordination of major magnetic fusion engineering devices and associated activities at the national centre.

Magnetic
fusion
engine-
ering
centre.

(2) In the preparation of the plan, the Secretary shall include relevant factors including, but not limited to—

(i) means of saving cost and time through the establishment of the national centre relative to the cost and schedule currently projected for the programme;

(ii) means of providing common facilities to be shared by many magnetic fusion concepts;

(iii) assessment of the environmental and safety-related aspects of the national centre;

(iv) provisions for international co-operation in magnetic fusion activities at the national centre;

(v) provision of access to facilities for the broader technical involvement of domestic industry and universities in the magnetic fusion energy programme;

(vi) siting criteria for the national centre including a list of potential sites;

(vii) advisability of establishing such a centre considering all factors including the alternative means and associated cost of pursuing such technology; and

(viii) changes in the management structure of the magnetic fusion programme to allow more effective direction of activities related to the national centre.

(3) The Secretary shall submit within six months of the commencement of this Act, a report to the Committee on Science and Technology and to the Ministry of Science and Technology characterising the

plan and setting forth the steps necessary for implementation of the plan, including any steps already implemented.

Technical panel on magnetic fusion.

6. (1) A technical panel on magnetic fusion shall be established at the Bhabha Atomic Research Centre to review the conduct of the national magnetic fusion energy programme.

(2) The technical panel shall be comprised of such representatives from industry, universities, Government laboratories, and other scientific and technical organisations as the Chairman of the Energy Research Advisory Board deems appropriate based on his assessment of the technical qualifications of each of such representatives;

(3) The members of the technical panel need not be members of the Energy Research Advisory Board;

(4) The activities of the technical panel shall be in compliance with any laws and regulations guiding the activities of technical and fact finding groups reporting to the Energy Research Advisory Board;

(5) The technical panel shall review and may make recommendations on the following items, among others:—

(i) the preparation of the five-years programme plan prepared pursuant to the provisions of section 4;

(ii) the type of future facilities needed to meet the goals of this Act along with their projected completion dates;

(iii) the adequacy of participation by universities and industry in the programme;

(iv) the adequacy of international cooperation in magnetic fusion and any problems associated therewith; and

(v) institutional, environmental and economic factors limiting or prospectively limiting efforts to achieve commercial application of magnetic fusion energy systems.

(6) The technical panel shall submit to the Energy Research Advisory Board a written report of the findings and recommendations with regard to the magnetic fusion programme.

(7) After consideration of the technical panel report, the Energy Research Advisory Board shall submit such report together with its comments, if any, to the Secretary.

7. The Secretary shall direct the director of each laboratory or installation at which a major magnetic fusion facility is operated, primarily with the funds provided by the Government to establish, for the sole purpose of providing advice to such director, a programme advisory committee comprising of persons having expertise in magnetic fusion from such industry, universities, Central Government laboratories, and other scientific and technical organisations as such director deems appropriate.

International Co-operation.

8. (1) The Secretary, in consultation with the Cabinet Sub-Committee on foreign relations, shall actively seek to enter into or to strengthen existing international cooperation agreements in magnetic fusion research and development activities of mutual benefit to all parties.

(2) The Secretary shall seek to secure equitable exchange of information, data, and scientific personnel with the technologically advanced nations.

(3) The Secretary shall—

(i) examine the potential impact on the national magnetic fusion programme of Government's participation in an international effort to construct fusion engineering devices;

(ii) explore, to the extent feasible, the prospects for joint financial participation by other nations with India in the construction of fusion engineering devices;

(iii) within two years of the commencement of this Act transmit to the Committee on Science and Technology and the Ministry of Science and Technology the results of such examinations and explorations with his recommendations for construction of a national or international fusion engineering device; provided, however, that such examinations and explorations shall not have the effect of delaying the design activities related to a national fusion devices.

9. (1) The Secretary shall assess the adequacy of the projected manpower availability in the country in the engineering and scientific disciplines required to achieve the purposes of this Act taking into consideration the other demands likely to be placed on such manpower supply.

Avail-
ability
of trained
personnel

(2) The Secretary shall within one year of the date of commencement of this Act submit a Report to the President and to the Parliament setting forth his assessment along with his recommendations regarding the need for increased support for education in such engineering and scientific disciplines.

10. (1) The Secretary shall take all necessary steps to ensure that technical information relevant to the status and progress of the national magnetic fusion programme is made available to the interested persons in the industry and universities in India; provided, however, that upon a showing to the Secretary by any person that any information or portion thereof provided to the Secretary directly or indirectly, from such person would, if made public, divulge (i) trade secrets or (ii) other proprietary information, disclosure thereof shall be punishable under the Official Secrets Act, 1923.

Dissemi-
nation of
informa-
tion.

(2) The Secretary shall maintain a programme for providing information and educational material to promote knowledge about magnetic fusion among educational community, business, environmental, labour and Governmental bodies and the public at large.

19 of 1923.

11. In the annual report of the Ministry of Science and Technology, in a separate part thereof, the Secretary shall submit to Parliament during the budget session an annual report of activities undertaken for carrying out the purposes of this Act and such report shall include—

Annual
report.

(i) modifications to the comprehensive programme management plan for implementing the provisions of this Act;

(ii) an evaluation of the status of the national magnetic fusion energy programme in India;

(iii) a summary of the findings and recommendations of any report of the Energy Research Advisory Board on magnetic fusion;

(iv) an analysis of the progress made in commercialising magnetic fusion technology; and

(v) suggestions for improvements in the national magnetic fusion programme including recommendations for legislation.

STATEMENT OF OBJECTS AND REASONS

In order to formulate an energy policy designed to meet an impending world-wide shortage of many exhaustible, conventional energy resources in the next few decades, the energy policy of the country must be designed to ensure that energy technologies using essentially inexhaustible resources are commercially available at a time prior to serious depletion of conventional sources.

The magnetic fusion energy is one of the few known energy sources which are essentially inexhaustible and thus constitute a long-term energy option. Major progress in all aspects of magnetic fusion energy technology during the past decade instills confidence that power production from fusion energy systems is achievable.

To ensure the timely commercialization of magnetic fusion energy system the Government has to demonstrate at an early date the engineering feasibility of magnetic fusion energy system.

The object of the Bill is, therefore, to accelerate research, development and demonstration programmes in the magnetic fusion energy technologies.

NEW DELHI;
July 21, 1983.

AJIT KUMAR MEHTA

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides that the Secretary shall initiate activities or accelerate existing activities in the use of magnetic fusion systems. Clause 3(3) provides for initiating design activities on a fusion engineering device. Clause 4(1) provides for preparation of a programme management plan for the conduct of research, development and demonstration activities of the magnetic fusion energy systems. Clause 5(1) provides for the establishment of a national magnetic fusion engineering centre. Clause 6(1) provides that a technical panel on magnetic fusion shall be established at the Bhabha Atomic Research Centre. Clause 7 provides that a programme advisory committee shall be constituted at every laboratory or installation at which a major magnetic fusion facility is operated. Clause 10(1) provides that technical information regarding national magnetic fusion programme shall be made available to the interested persons in the industry and universities. Clause 10(2) provides that information and educational material about magnetic fusion shall be provided to promote knowledge about the system. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crores per annum.

A non-recurring expenditure of about rupees ten lakhs is also likely to be involved.

AVTAR SINGH RIKHY,
Secretary.